



**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

**PART II EXTRAORDINARY**

No.501

AMARAVATI, WEDNESDAY, MAY 15, 2024

G.114

**NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.**

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**LEGISLATURE SECRETARIAT**  
**(COUNCIL-LEGN.)**

**BEFORE THE HON'BLE CHAIRMAN**  
**ANDHRA PRADESH LEGISLATIVE COUNCIL**  
**AT VELAGAPUDI**  
**WEDNESDAY, THE 15<sup>TH</sup> MAY, 2024**

**Disqualification Petition No.4 of 2024**

**BETWEEN:**

Sri Lella Appi Reddy,  
S/o. Sambhi Reddy, Aged about 57 years,  
Government Whip, Member of Legislative Council,  
Yuvajana Sramika Rythu Congress  
Party in A.P. State Legislative Council.

**... PETITIONER**

**AND**

Sri Janga Krishna Murthy,  
S/o Pedda Veerayya,  
Member of Legislative Council,  
Yuvajana Sramika Rythu Congress  
Party in A.P. State Legislative Council.

**... RESPONDENT**

**ORDER**

This petition is filed by Sri Lella Appi Reddy, Government Whip of the YSRC Legislature Party, the Petitioner under Article 191 and X Schedule to the Constitution of India, r/w Rule 6 of the Members of the Andhra Pradesh Legislative Council (Disqualification on Ground of Defection) Rules, against Sri Janga Krishna Murthy, Member, YSRCP, the Respondent.

**1. SUBMISSIONS OF THE PETITIONER:**

The Petitioner in his Petition made the following submissions:

- 1.1. Sri Janga Krishna Murthy, the Respondent, was elected as a member of Andhra Pradesh Legislative Council by the Members of Legislative Assembly in the year 2019.
- 1.2. On 12.02.2024, the Respondent had given an interview wherein he made derogatory and demeaning comments on the YSR Congress Party and its Leaders and also stated that they had never intended for the welfare of BC, SC & STs and are against the development of those communities. As such, the respondent had tried to create unrest and incite the public specifically in the above mentioned communities against the YSR Congress Party and its leaders. Through the above act, the Respondent had acted in violation of relevant provisions of the Constitution of India and the relevant rules of the Members of Andhra Pradesh Legislative Council (Disqualification on Ground of Defection) Rules.



- 1.3. The Petitioner also stated that on 31.03.2024 the Respondent met Opposition Party Leader Sri N. Chandra Babu Naidu at Bapatla and stated that he was displeased with the YSR Congress Party and declared that he along with his followers would join the Opposition Party during the “Shankaravam” meeting to be held at Gurajala and the same has been widely circulated in various media platforms including the opposition party Facebook page.
- 1.4. The Petitioner further stated that the Respondent held a press meet on 01.04.2024 and resigned the YSR Congress Party and as President of BC Wing citing that he was not given party ticket to contest as MLA and he portrayed his personal grievance as an act of oppression against the BC, SC & ST Communities, against the YSR Congress Party and its Leaders and also tried to turn his personal vengeance into a political tool against the party.
- 1.5. The Respondent attended the meeting of opposition party held by its Leader Sri N. Chandra Babu Naidu at Sattenapalli on 06.04.2024 and joined the Opposition Party and expressed his displeasure towards the act of the YSR Congress Party and its Leaders and made certain derogatory comments against the Hon’ble Chief Minister. He also mentioned that he does not want to continue in YSR Congress Party and that he would be supporting TDP in the upcoming elections. The joining of the opposition party and derogatory comments made by the Respondent are uploaded in the official Youtube channel of the opposition party.

- 1.6. Through the above act the Respondent had publicly and evidently offered his support to the opposition party and thereby got defected and violated the relevant provisions of the Constitution of India and the relevant rules of the Members of Andhra Pradesh Legislative Council (Disqualification on Ground of Defection) Rules.
- 1.7. The Petitioner also stated that even after days of the telecast and publication of such news, the Respondent has neither denied nor controverted the contents of the same, evidencing thereby that the Respondent has, conclusively by his acts and intent, “voluntarily” given up his membership of YSRCP” within the meaning of the said expression in Para 2(1)(a) of the Tenth Schedule to the Constitution of India. The Petitioner further submitted that the YSRCP, soon after the above turn of events, has condemned the illegal activities of the Respondent in public domain.
- 1.8. The Petitioner further stated that the evidence pertaining to the activities of the Respondent, in the form of video clippings and newspaper reports, are attached herewith along with a certificate in compliance with Section 65(B) of the Indian Evidence Act, 1872.
- 1.9. The Respondent got elected on behalf of the YSR Congress Party in the year 2019 swearing to serve the people as a representative of the YSR Congress Party. Thus, the action and conduct of the Respondent amounts to breach of faith of the majority mandate. The visible and overt conduct of



the Respondent undeniably amounts to voluntarily giving up his membership of the YSRCP based on whose nomination he contested in the elections and secured the election.

- 1.10. The Petitioner further submitted an additional affidavit dated: 02.05.2024 along with a copy of resignation letter dated: 01.04.2024 of the Respondent addressed to the Leader/President, YSR Congress Party and stated that the Respondent has resigned to the membership of the YSR Congress party. Therefore, the respondent owing to his conduct, deserves to be disqualified from being continued as a Member of this Legislative Council as mandated under Para 2(1)(a) of the Tenth Schedule to the Constitution. Therefore, the Petitioner prayed to disqualify the Respondent i.e., Sri Janga Krishna Murthy as the acts of the Respondent amount to voluntarily given up his membership of the political party by which he was elected.

## **2. THE PROCEEDINGS BEFORE THIS AUTHORITY:**

- 2.1. On 8<sup>th</sup> April, 2024, Sri Lella Appi Reddy, Government Whip in Andhra Pradesh Legislative Council submitted the captioned disqualification petition and the Respondent was served a notice on the same day through India Post to offer his comments within a week by providing all the papers (including the certificate filed under section 65 B of the Indian Evidence Act) along with the CD given by the Petitioner and through email and whatsapp as well.

- 2.2. On 16<sup>th</sup> April, 2024 a reminder letter had been sent to the Respondent to furnish his comments on the averments made in the petition.
- 2.3. Thereafter, on 18<sup>th</sup> April, 2024, another notice was issued to the Respondent to depose before this Authority for oral evidence on 22<sup>nd</sup> April, 2024.
- 2.4. As the Respondent did not appear on 22<sup>nd</sup> April, 2024 another opportunity was given to offer his comments and to appear before this Authority at 11.00 A.M. on Thursday, the 25<sup>th</sup> April, 2024 for oral hearing on the averments made in the Petition.
- 2.5. The scheduled meeting, on the 25<sup>th</sup> April, 2024, was held through whatsapp call since the Respondent expressed his inability to attend the oral hearing as he was suffering from dehydration. The Respondent in the whatsapp call, requested this Authority to postpone the hearing to a later date.
- 2.6. Having considered the request made by the Respondent, this Authority had granted one more week time and issued another notice upon the Respondent to depose before this Authority for oral hearing on the Petition at 11.00 A.M. on Thursday, the 2<sup>nd</sup> May, 2024 and also informed that in the event of failure to file reply on the above said date, it shall be deemed that he has nothing to state on his behalf and thereby his right to file reply will be forfeited and the proceeding shall be proceeded further.



- 2.7. On 1st May, 2024, the Respondent submitted his written preliminary comments on the averments made in the petition and raised various technical grounds, challenging the petition on technicalities. Additionally, the Petitioner filed an Additional Affidavit along with enclosed material to prove that the Respondent in the captioned case has resigned from the party membership from which he was elected.
- 2.8. Further, this Authority had issued proceeding while informing the the Respondent to make submissions/comments on the Additional Affidavit latest by 10<sup>th</sup> May, 2024 and to appear before this Authority for final oral hearing on the petition at 11.30 AM on Tuesday, the 14<sup>th</sup> May, 2024. And also informed that in the event of failure to appear before this Authority, the matter will be concluded and the proceedings shall be decided and orders will be passed on the basis of the available record.
- 2.9. The Respondent in the captioned case chose not to appear for oral hearing on 14.05.2024 on flimsy grounds without any basis for such pleas or reports and submitted a letter along with his reply/comments to additional affidavit filed by the Petitioner and sought for adjournment without any basis. As things stood thus, the Petitioner appeared before this Authority and reaffirmed his stance in accordance with the petition previously submitted. As a result, this Authority rejected the request of Respondent as he has failed to provide any relevant material for seeking adjournment on medical grounds and thereby reserved its decision on the captioned petition.

**3. COMMENTS MADE BY THE RESPONDENT :**

- 3.1. The Respondent on 1<sup>st</sup> May, 2024, submitted his written preliminary comments on the averments made in the petition. In the preliminary comments, the Respondent made the following submissions:
- 3.2. The allegations made in the petition are denied as false, preposterous and devoid of truth. The averments made in the petition and affidavits filed by the petitioner are not maintainable either in law or on facts. He had not been given sufficient opportunity to furnish his comments on the petition. The averment that the Respondent had voluntarily given up his membership of the political party/ legislative party and thereby committed defection as is prohibited under Article 191 (2) and X Schedule of the Constitution of India is false and baseless and merely based on the newspaper reports and unverified video clippings. He had not been weaned away by the opposition party and only expressed his dissent against the autocratic ways of the ruling party.
- 3.3. The Respondent has further added that he wanted to see the YSR Congress Party function in a democratic manner by following the mandate of the majority and only highlighted the fact that the party is functioning by deviating from the democratic principles and the same shall not be equated with giving up his membership voluntarily and beginning to function in affiliation to the opposition party.



- 3.4. The Respondent has also stated that on 12.02.2024 in the interview he highlighted the injustice being meted out to the people belonging to the BC, SC and ST communities in the party and expressed his opinion regarding the steps taken by the party for the welfare of people belonging to those communities. The mere expression of the plight of the people belonging to the weaker sections does not amounts to inciting the public against the YSRCP and its leaders.
- 3.5. The Respondent has further stated that the newspaper item without any further proof of what had actually happened through witnesses is of no value. It is well known that the reporters collect information and pass the same to the editor who edits the news item and then publishes it. In this process, the truth might get perverted. The entire basis for making allegations as contained in the petition is only the news items published in the newspapers/ unverified video clippings and there is no material on record to confirm the truth. The Respondent has, therefore, requested that proceedings against him shall not be continued, merely based on the unsubstantiated newspaper reports/unverified video clippings.
- 3.6. The Respondent has also submitted that he was not supplied with the original video clippings of the statements said to have been made by him and he was provided only with the hyperlinks of the said videos, even

without a certificate, identifying the electronic record and without a signature of the person who operates the relevant device. If the electronic evidence is to be used in any judicial/quasi judicial proceedings, a certificate shall have to be produced which identifies the electronic record and gives particulars of the device involved in the production of the electronic record and this certificate shall have to be signed by a person occupying a responsible official position in relation to the operation of the relevant device. This signature shall be evidence of the authenticity of the certificate. Also section 65B (4) of Indian Evidence Act mentions that the contents of the certificate should be stated that to the best of the knowledge and belief of the person stating it.

- 3.7. The Respondent has also submitted that non-denial of the news reports/publications cannot be treated as voluntarily giving up the membership under Para 2(1)(a) of the X Schedule of the Constitution of India.
- 3.8. The Respondent further stated that the Petitioner did not place any material to substantiate the fact that he has voluntarily given up the membership of the legislature party. The Respondent also stated that he might have given an opportunity to examine all the persons who posted/shared the social media postings and the journalists who covered the alleged news items for an effective opportunity to defend the case and he further prayed this authority to dismiss the petition filed by the petitioner.



3.9. While things stood thus, on 14.05.2024, the Respondent had submitted his comments/ reply to the additional affidavit of the Petitioner and submitted that he did not voluntarily give up his membership of the political party or Legislature Party, nor did he commit defection as prohibited under Article 191(2) and the 10<sup>th</sup> Schedule of the Constitution of India. He denies the allegations made in the additional affidavit and the defection petition. The Respondent further submitted that these allegations are false and made with malicious intent to disqualify him unjustly. Further, the Respondent requested to dismiss the captioned petition, stating it was filed with false, unverified allegations based on a forged letter dated 01.04.2024, and with malicious intent. The Petitioner further sought four more weeks time to defend his case.

3.10. Having granted ample opportunity to the Respondent to appear before this Authority, he chose not to appear and continued to seek time on flimsy grounds and continued to postpone the proceedings on one pretext or the other. As the Preliminary Submissions/Comments filed by the Respondent are already on record, this Authority proceeded to issue the following orders.

#### 4. ISSUES FOR CONSIDERATION:

Having considered the submissions of the Petitioner and also the submissions made by the Respondent, the following questions are identified to be taken up for consideration and adjudication in the present proceedings:

1. *Whether the Petition filed by the Petitioner is maintainable in its present form and Whether reasonable opportunity has been provided to the Respondent to represent his case and to be heard in person?*
2. *Whether the Respondent has given up the membership of the Original Political Party voluntarily? Whether the alleged antiparty activities of Respondent can be inferred as voluntarily given up the membership of YSRC Party?*
3. *Whether the Respondent is liable to be disqualified and whether the relief sought in the Petition can be granted or the Petition is liable to be dismissed?*

#### 5. ANALYSIS / REASONING:

##### 5.1. **Whether the Petition filed by the Petitioner is maintainable in its present form and whether reasonable opportunity has been provided to the Respondent to represent his case and to be heard in person?**

5.1.1. The Respondent had pleaded that the averments made in the Petition and the affidavit filed by the Petitioner are not maintainable either in law or on facts.

5.1.2. In the present set of facts, the Petition, *per se*, may not have been affixed with verification at its bottom, but the said Petition is accompanied by an affidavit. It could further be seen that the affidavit reiterated each and every statement that was made in the Petition and the said Affidavit was duly and appropriately verified with verification at its end. It could be deduced that the Petition and the accompanying affidavit together will have to be considered as pleading and as the contents of the Petition are duly verified by way of a verification in the accompanying affidavit, it shall be



considered that the procedural requirement as is contemplated under the Rule 6(6) of the Rules stands fully complied with.

5.1.3. Further, it is a settled principle of law that the requirement of Order VI Rule 15 is procedural and thereby if the objective of the said provision stands achieved, then, the Petition need not be dismissed on the said sole technical ground as pleaded by the Respondent. Having recorded the above, the Petition filed by the Petitioner is well in compliance with the said applicable Rules and thereby the hyper-technical objection of the Respondent is hereby rejected.

5.1.4. The rule 7(7) of the Rules, stipulates that the Chairman while deciding a case has to give a reasonable opportunity to the member to represent his case and to be heard in person.

5.1.5. In this regard the following observation made by the supreme court in its judgment dated the 11<sup>th</sup> of December, 2006 in **Jagjit Singh vs State of Haryana and others (2006 11 SCC 1)** is relevant:

*“The question whether reasonable opportunity has been provided or not cannot be put in a straight-jacket and would depend on the fact situation of the case. At the outset, we may mention while considering the plea of violation of principles of natural justice, it is necessary to bear in mind the proceedings, under the Tenth Schedule, are not comparable to either a trial in a court of law or departmental proceedings for disciplinary action against an employee. The scope of judicial review in respect of proceedings before such Tribunal is limited. We may hasten to add that howsoever limited may be the field of judicial review, the principles of natural justice have to be complied with and in their absence, the orders would stand vitiated. The yardstick to judge the grievance that reasonable*



*opportunity has not been afforded would, however, be different. Further, if the view taken by the tribunal is a reasonable one, the court would decline to strike down an order on the ground that another view is more reasonable. The tribunal can draw an inference from the conduct of a member, of course, depending upon the facts of the case and totality of the circumstances. While applying the principles of natural justice, it must be borne in mind that they are not immutable but flexible and they are not cast in a rigid mould and cannot be put in a legal strait-jacket. Whether the requirements of natural justice have been complied with or not has to be considered in the context of the facts and circumstances of a particular case”.*

- 5.1.6. In view of the above observations of the Supreme Court vis-a-vis the facts and circumstances of the instant case, the Respondent was offered ample opportunity to proceed with the Petition effectively. As a matter of fact, quite in line with the principles of natural justice and also keeping in line with the requirements of Rule 7(7) of the Rules, the Respondent was offered several opportunities of being heard in person to represent his case.
- 5.1.7. The Respondent was provided all the material, digital links in a CD and ample time to rebut the allegations of the Petitioner. Several opportunities were given for oral hearing to clarify his position on the petition. The Respondent has not made use of the opportunities provided. The above actions of the Respondent clearly evidence the procrastinating attitude of the Respondent.
- 5.1.8. This Authority also takes this opportunity to address one issue before going ahead to deal with the other issues. There has been a criticism about some Presiding Officers for not taking decision on the disqualification petitions



under the X Schedule of the Constitution of India within a reasonable time. Some cases are left pending for years contrary to the law. It is pertinent to note that the Supreme Court also expressed its concern about the unnecessary delay in taking a decision on the disqualification petitions by the Presiding Officers of the Legislatures. There are several cases where the courts have expressed concern about the unnecessary delay in deciding the disqualification petitions. The disqualification petitions go to the root of the democratic institutions and their functioning.

5.1.9. This raises the question of whether a particular Legislator is entitled to sit in the Legislature or not. Therefore, this Authority feels that the disqualification petitions must be heard and decided as expeditiously as possible after giving reasonable opportunity to the parties to make their submissions. An effective adjudication of these cases would effectively eliminate the evil of defections, and if this is not done, it is likely to undermine the very foundations of our democratic institutions. Further, it can also be seen that Rule 7 gives an indication of the intention of the Rule for expeditious disposal of the petition.

5.1.10. Further, the Respondent has also pleaded that the electronic evidence that was placed on record was not supported by an appropriate Certificate under Section 65B of the Evidence Act, 1872. However, here it is need to say that the certificate was appended to the petition and duly explained the source and other details of the computer on which the Videos were accessed by the

Petitioner. Therefore, the said objection that Certificate under the Section 65B of the Evidence Act, 1872 was not filed by the Petitioner is rejected.

5.1.11. Consequent to the above analysis, it is extremely clear that the Petition/Pleading is duly verified and the material filed along with the Petition is also duly certified and verified by the Petitioner through a Certificate filed in compliance with Section 65B of the Indian Evidence Act, 1872. Having arrived at the above conclusions, it is held that the Petition in its present form is very much in compliance with the applicable rules and also Section 65B of the Evidence Act, 1872. Therefore, the objections raised by the Respondent questioning the Form and the Format of the Petition are denied as baseless.

5.2. ***Whether the Respondent has given up the membership of the Original Political Party voluntarily? Whether the alleged antiparty activities of Respondent can be inferred as voluntarily given up the membership of YSRC Party? & whether the Respondent is liable to be disqualified and whether the relief sought in the Petition can be granted or the Petition is liable to be dismissed? As the said Issues are intertwined, this Authority will analyse both the Issues simultaneously.***

5.2.1. The Petitioner, Government Whip of the YSRC Legislature Party has given a petition under Article 191 and X Schedule of the Constitution of India, r/w Rule 6 of the Members of the Andhra Pradesh Legislative Council (Disqualification on Ground of Defection) Rules, against the Respondent. Consequently, notices were issued and the respondent was provided all the material, digital link in a CD and ample time to rebut the allegations of the Petitioner.



5.2.2. The Petitioner had relied mainly on newspaper clippings and video clippings as proof of the anti-party activities of the Respondent and his having voluntarily given up membership of the YSRC Party. The Respondent has objected to the use of newspaper clippings and video recordings as evidence by the Petitioner, contending that newspaper articles cannot be relied upon as evidence in the absence of any witness. He further felt that the continuation of proceedings against the Respondent merely based on the unverified clippings is nothing but a wild goose chase that will not stand the legal scrutiny.

5.2.3. Prior to dealing with the admissibility of the material that is relied upon by the Petitioner, this Authority wishes to consider the *prima facie* value of the pleadings filed by both the Petitioner and the Respondent. Primarily, the Petitioner, even before relying upon the news paper clippings and the videos which suggest the anti-political party activities of the Respondent, had categorically and unequivocally referred in the Petition to the specific events while mentioning the dates on which such specific acts were committed by the Respondent.

5.2.4. ***For Example: At Para 3.9 (d) of the Petition, the Petitioner pleaded as follows:***

*“d. ....the Respondent has attended the meeting of opposition party held by its leader Sri N. Chandra Babu Naidu at Sattenapalli on 06.04.2024 and has joined by Opposition Party. In the meeting he Respondent has expressed his displeasure towards the act of the YSRCP party and its leaders and was mentioning that he does not want to continue in YSRCP party and that he would be supporting TDP in the upcoming elections. The respondent*



*states that the ruling of Hon'ble Chief Minister Y.S. Jagan Mohan Reddy. The Respondent further states that the YSRCP party has no consideration for the SC,ST and BC communities and states that Sri N. Chandra Babu Naidu has to come into power for the development of Andhra Pradesh. The joining and the derogatory comments made by the Respondent are uploaded in the official YouTube Channel of the Opposition Party and the same are widely circulated in all social media platforms...."*

5.2.5. A reading of the above paragraph/pleading would clarify that there is a specific allegation against the Respondent to the effect that the Respondent had joined the Opposition Political Party on 06.04.2024 by meeting the Opposition Party Leader. Further, it could also be seen that the Petition also records other events in which it is clearly averred that the Respondent had participated to extend his solidarity to the Opposition Party activities.

5.2.6. Further, it is imperative to make observation in relation to the objection raised by the Respondent, in his reply to Additional Affidavit filed by the Petitioner, has stated that the copy of resignation letter dated: 01.04.2024 said to be addressed to the President, YSRCP is a forged letter. However, the Respondent held press meet on 01.04.2024 and showed his resignation letter to the electronic and print media and the same was aired in some telugu news channels. Also the Respondent had neither condemned nor denied the above activity in public domain or taken any legal action against the same. Therefore, allegation made by the Respondent that the copy of the resignation letter as a forged letter document cannot be questioned at this juncture.



5.2.7. Furthermore, the Respondent asserts that if the document is now alleged to be forged, his failure to take any legal action against such forgery indicates its genuineness. This failure to pursue legal action evidently proves that the document relied upon by the Petitioner is genuine and cannot be questioned. Therefore, the ground of forgery is rejected and hence this act of the Respondent amounts to voluntarily giving up the membership of YSR Congress Party on which the Respondent got elected as a Member of Legislative Council.

5.2.8. At this juncture, it is imperative to underscore the importance of media and news channels and there are numerous instances where the Hon'ble Supreme Court and High Court's proactive stance by taking *suo moto* cognizance of news articles and videos aired by news channels, recognizing them as valid pieces of evidence. These actions underscore the judiciary's commitment to uphold justice and ensure that even incidents reported in the media are duly scrutinized and addressed. Whether it is cases of human rights violations, environmental degradation, or administrative lapses, the courts have shown readiness to intervene based on credible media reports. Such instances not only showcase the judiciary's responsiveness to public concerns but also highlight the pivotal role that media plays in fostering accountability and transparency within society. By according significance to newspaper articles and news channel videos, the courts reinforce the

principle that the media serves as a vital watchdog, contributing to the enforcement of the rule of law and safeguarding the rights of citizens.

5.2.9. Further, most anti defection cases often hinge on evidence brought forth by newspapers or media reports, underlining the critical role of such evidence in legal proceedings. The reliance on media evidence underscores its significance in uncovering instances of political *manoeuvring* or legislative impropriety. Given the widespread dissemination and accessibility of media content, overlooking such evidence would disregard the vital source of information crucial for upholding the integrity of democratic processes. Importance of media evidence in defection cases, recognizing its capacity to shed light on clandestine dealings and ensure accountability among public officials. Hence, it's imperative that these evidence are duly considered and evaluated within the legal framework to uphold the principles of fairness and justice.

5.2.10. Upon reading the above allegations, this Authority looked into the corresponding response of the Respondent in the Reply filed and placed before this Authority. The Respondent chose only to take a technical objection that the videos and the news paper articles are not appropriately supported by the certificates and the verifications. Upon perusal of the record, it is clearly visible that the Respondent had not denied the actual allegations of his meeting the Opposition Party Leader and his activities extending support to the activities of the Opposition Party. In the said



circumstances, it is imperative to conclude that the Respondent had admitted to the averments and thereby from the record it is clear that the Respondent had indeed voluntarily given up his membership by the conduct which is not denied by the Respondent.

5.2.11. Furthermore, having already come to a conclusion that the Respondent chose not to deny the allegations made in the Petition and had chosen only to take a technical objection, in this Authority's view, in most of the disqualification cases under the X Schedule of the Constitution of India, media reports are the only evidence available and cases have been decided by the presiding officers on the basis of the media reports. In the instant case, this Authority see no reason as to why newspapers and media channels would publish/report something wrongly and if that was so, then, the least that was expected of the Respondent was to forthwith deny the same and issue clarification/explanation in that regard.

5.2.12. In the instant case some leading Telugu news papers have reported that the Respondent has joined the Telugu Desam Party. Other media reports and photographs collaborate with this. The videos also suggest his active participation in the activities of TDP and his joining the TDP. The Respondent has not given any proof of refuting/denying the press reports. A loyal worker of a party is supposed to clarify the position whenever such news reports appear. In the instant case he has not done so nor has the Respondent given the proof of doing so.

5.2.13. The Supreme Court in a landmark judgment in the case of **Ravi S. Naik vs. Union of India** on 9<sup>th</sup> February, 1994, has amply clarified the term “voluntarily given up the membership” wherein the court had inter alia observed:

*“ The said paragraph ( Paragraph 2 of the Tenth Schedule of the Constitution which describes the disqualification on the ground of defection inter alia states that a member of a House belonging to any political party shall be disqualified for being a Members of the House if he has voluntarily given up his membership of such political party) provides for disqualification of a member of a House belonging to a political party “ if he has voluntarily given up his membership” are not synonymous with “resignation” and have a wider connotation. A person may voluntarily give up his membership of the political party even if he has not tendered his resignation from the membership of that party.*

*Even in the absence of a formal resignation from membership an inference can be drawn from the conduct of a member that he has voluntarily given up his membership of the political party to which he belongs.”*

5.2.14. In the background of the settled above propositions, this Authority proposes to examine the Members of Andhra Pradesh Legislative Council (Disqualification on ground of Defection) Rules, Under Para 6(1), the Chairman is required to decide the question whether a member of the House is subject to the disqualification under the X Schedule.

5.2.15. On the basis of evidence adduced by the Petitioner, this Authority have no hesitation in concluding that the Respondent has been duly informed. In the allegations made in the Petition, the material produced by the Petitioner before this Authority, a video evidencing the participation of the Respondent in the events organised by the opposition party established that



the Respondent wilfully had joined hands with the opposition party which is detrimental to the political party on which the Respondent was elected as a member.

5.2.16. Additionally, as per the proposition as laid by the Hon'ble Supreme Court in ***Jagjit Singh vs. State of Haryana and others (2006 11 SAC 1)***, I record that the Respondent had indeed acted against the original political party and thereby also, the Respondent is liable to be disqualified. Further, consequent to the filing of the Petition, this Authority have also received the comments of the Leader of the YSRCP wherein he has stated that he is in agreement with the contention of the Petitioner and that the conduct of the Respondent was sufficient evidence to prove that the Respondent has voluntarily given up the membership of the YSRC Party.

5.2.17. Further, it is imperative to record that in spite of an opportunity given to the Respondent to rebut the pleadings and the material so presented by the Petitioner was not availed, for reasons best known to the Respondent himself and all the material placed before this Authority and as per the proposition laid by the Hon'ble Supreme Court in ***Jagjit Singh vs. State of Haryana and others (2006 11 SAC 1)*** categorically proved that the Respondent had indeed acted against his original political party and thereby he defected into TDP.

5.2.18. The Respondent's objection to the alleged forged resignation letter, dated 01.04.2024, addressed to the President of YSRCP, is contrary to the fact

that he held a press meet on the same date, showcasing the resignation letter to electronic and print media, which was subsequently aired on Telugu news channels. Despite this public display, the Respondent neither condemned nor denied the activity, nor took any legal action against it. Consequently, the Respondent's failure to pursue legal action against the alleged forgery indicates the genuineness of the document. Therefore, the objection of forgery is rejected, and the Respondent's actions are deemed as voluntarily giving up the membership of YSR Congress Party, from which he was elected as a Member of Legislative Council.

## **6. CONCLUSION:**

In the said circumstances and taking into consideration of the resignation of the Respondent to the party and the material placed before this Authority and also based on the above settled legal position, this Authority have no hesitation to believe that the Respondent has incurred disqualification under para 2(1)(a) of the X Schedule of the Constitution. In accordance with the powers vested under para 6 of the X Schedule and Rule 8 of the members of the Andhra Pradesh Legislative Council (Disqualification on ground of Defection) Rules, this Authority hold that Sri Janga Krishna Murthy, Member of Legislative Council, for the reasons stated herein above, has incurred disqualification under para 2(1)(a) of the X Schedule of the Constitution of India.



Thus, the Respondent, Sri Janga Krishna Murthy, stands disqualified for continuing as Member of the Andhra Pradesh Legislative Council and it is declared that his seat has fallen vacant.

**KOYYE MOSHENU RAJU,**  
*Chairman,*  
*Andhra Pradesh Legislative Council.*

Velagapudi,  
Date:15.05.2024.

**Dr. P.P.K. RAMACHARYULU,**  
*Secretary General to State Legislature.*

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